

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE DESIGNS, INC.,

Plaintiff,

v.

UNITED INDUSTRIAL LTD. and
GRAND INTERNATIONAL CO. LTD.,

Defendants.

CASE NO. C05-1406RSM

ORDER OF DISMISSAL

The instant action was filed in this Court on August 12, 2005. While service of the summons and complaint were returned executed on both defendants on August 29, 2005, nothing else happened on the case for nearly two years. As a result, on or about the end of March 2007, this Court contacted counsel for plaintiff to inform him that the case remained open, and asked him to advise as to the status of the case. Counsel responded that the case was inactive, and that he planned to dismiss the action against one defendant pursuant to a settlement and file a motion for default against the other defendant. However, no such motions were filed. Thus, on May 10, 2007, and July 12 and 13, 2007, the Court again attempted to reach plaintiff's counsel for advisement as to the status of this action, and to alert him that the Court would take action to resolve this case if plaintiff did not. The Court's messages were not promptly returned. The Court then issued an Order to Show Cause why the case

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1 should not be dismissed for failure to prosecute.

2 Subsequently, plaintiff's counsel again informed the Court that it had settled all claims against
3 defendant United Industrial Ltd., and "consents to the Court's dismissal of the actions against this
4 Defendant." (Dkt. #8 at 2). Accordingly, the Court dismissed defendant United Industrial Ltd.
5 Plaintiff also informed the Court that it intended to file a motion for default against defendant Grand
6 Industrial Co. Ltd. Indeed, plaintiff did file a motion for default judgment, but then withdrew the
7 motion, informing the Clerk's office that he would refile the motion after first moving for entry of
8 default. More than one month has passed, but no such motions have been filed.

9 Plaintiff has been warned on numerous occasions that action must be taken on this case. The
10 Court intends to spend no more of its time and resources pursuing such action. Accordingly, as
11 plaintiff has had adequate time to seek any remedies to which it feels entitled, but has apparently
12 chosen not to do so, the Court hereby DISMISSES this case for failure to prosecute. This case is now
13 CLOSED.

14 DATED this 4 day of September 2007.

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16 RICARDO S. MARTINEZ
17 UNITED STATES DISTRICT JUDGE
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